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February 7, 2021

VIA ECF

United States District Court
Eastern District of New York
Attn: Brian M. Cogan, U.S.D.J.
225 Cadman Plaza East
Courtroom 8D South
Brooklyn, NY 11201-1804

Re: Salamanca, *et al.* v. Sweet Coffee Bakery, Inc., *et al.*
Case No.: 1:20-cv-6223 (BMC)
Joint Letter regarding Initial Conference

Dear Judge Cogan:

This office represents the Defendants in the above-referenced case. Defendants write jointly with Plaintiffs pursuant to this Court's January 21, 2021 Order requiring the submission of a joint letter pursuant to this Court's earlier December 23, 2020 Scheduling Order.

By way of background as to the nature of this case, this is a standard wage-and-hour case under the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL") involving three (3) restaurant employees. Plaintiffs claim that they were paid at straight time rates for hours worked in excess of forty (40) hours per week and, at times, were paid at wage rates below minimum wage. Subject matter jurisdiction exists based on federal questions arising under the FLSA pursuant to 28 U.S.C. § 1331.

Plaintiffs have provided damage calculations while Defendants are compiling time and pay records which exist. Each employee allegedly worked for approximately five (5) years and it is thus taking an inordinate amount of time to search for and compile the aforesaid records.

Among other defenses, Defendants submit that: (i) Plaintiffs were properly paid; (ii) Plaintiffs did not work the number of hours they claim; (iii) Plaintiffs did not work for each and every single defendant named; (iv) Some Plaintiffs may be exempt from overtime requirements; and (v) some Plaintiffs were eligible for and received their wages subject to a tip credit. Defendants reserve the right to raise additional defenses as their investigation of the facts continues.

Dated: Forest Hills, New York
February 7, 2021

Respectfully submitted,

SHALOM LAW, PLLC

/s/ Jonathan Shalom

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